

HOUSE BILL 576

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2003 Regular Session
3r2298
CF 3r1236

By: **Cecil County Delegation**

Introduced and read first time: February 6, 2003

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County - Board of Education - Selection of Members**

3 FOR the purpose of altering the method of selection of the members of the Cecil
4 County Board of Education from appointment to election, for at least a certain
5 length of time; establishing a procedure for the election of members of the Cecil
6 County Board of Education; establishing a certain term of office for elected
7 members; providing for the removal of members under certain circumstances;
8 providing for certain student nonvoting members; providing a procedure for
9 filling a vacancy on the County Board; providing for the election of the president
10 and vice president of the County Board; providing for the compensation of the
11 members of the County Board; requiring the County Board to meet at certain
12 intervals; providing for the termination of the terms of the appointed members
13 of the County Board; providing for the termination of the elected members of the
14 County Board; submitting this Act to a referendum of the legally qualified
15 voters of Cecil County; providing for the effective date of certain provisions of
16 this Act; providing for the termination of certain provisions of this Act; and
17 generally relating to the Cecil County Board of Education.

18 BY repealing and reenacting, with amendments,
19 Article - Education
20 Section 3-114(a)
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2002 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Education
25 Section 3-114(a)
26 Annotated Code of Maryland
27 (2001 Replacement Volume and 2002 Supplement)
28 (As enacted by Chapter 289 of the Acts of the General Assembly of 2002)

29 BY adding to
30 Article - Education
31 Section 3-4A-01 through 3-4A-04, inclusive, to be under the new subtitle

1 "Subtitle 4A. Cecil County"
2 Annotated Code of Maryland
3 (2001 Replacement Volume and 2002 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Education**

7 3-114.

8 (a) In the following counties, the members of the county board shall be elected:

9 (1) Allegany;

10 (2) Calvert;

11 (3) Carroll;

12 (4) CECIL;

13 (5) Charles;

14 [(5)] (6) Frederick;

15 [(6)] (7) Garrett;

16 [(7)] (8) Howard;

17 [(8)] (9) Kent;

18 [(9)] (10) Montgomery;

19 [(10)] (11) St. Mary's;

20 [(11)] (12) Somerset;

21 [(12)] (13) Washington; and

22 [(13)] (14) Worcester.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
24 read as follows:

25 **Article - Education**

26 3-114.

27 (a) In the following counties, the members of the county board shall be elected:

28 (1) Allegany;

- 1 (2) Calvert;
2 (3) Carroll;
3 (4) CECIL;
4 (5) Charles;
5 [(5)] (6) Frederick;
6 [(6)] (7) Garrett;
7 [(7)] (8) Howard;
8 [(8)] (9) Kent;
9 [(9)] (10) Prince George's;
10 [(10)] (11) Montgomery;
11 [(11)] (12) St. Mary's;
12 [(12)] (13) Somerset;
13 [(13)] (14) Washington; and
14 [(14)] (15) Worcester.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 read as follows:

17 **Article - Education**

18 **SUBTITLE 4A. CECIL COUNTY.**

19 3-4A-01.

20 (A) THE CECIL COUNTY BOARD CONSISTS OF SIX MEMBERS AS FOLLOWS:

21 (1) ONE VOTING MEMBER ELECTED FROM EACH OF THE FIVE
22 COMMISSIONER DISTRICTS; AND

23 (2) ONE NONVOTING STUDENT MEMBER.

24 (B) THE FIVE VOTING MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED
25 AT A GENERAL ELECTION AS REQUIRED BY SUBSECTION (C) OF THIS SECTION.

26 (C) (1) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT SHALL BE A
27 RESIDENT OF THE DISTRICT.

1 (2) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT WHO NO
2 LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE
3 COUNTY BOARD.

4 (3) A CANDIDATE ELECTED TO THE COUNTY BOARD SHALL BE A
5 REGISTERED VOTER AND RESIDENT OF CECIL COUNTY FOR AT LEAST 3 YEARS.

6 (4) (I) AN INDIVIDUAL WHO IS SUBJECT TO THE AUTHORITY OF THE
7 COUNTY BOARD AT THE TIME OF FILING IS INELIGIBLE TO BE A CANDIDATE.

8 (II) AN INDIVIDUAL WHO IS A COUNTY EMPLOYEE OR THE SPOUSE
9 OF A TEACHER AT THE TIME OF FILING IS INELIGIBLE TO BE A CANDIDATE.

10 (D) (1) EXCEPT AS PROVIDED UNDER SUBSECTION (E) OF THIS SECTION,
11 EACH VOTING MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON JANUARY 1
12 AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND
13 QUALIFIES.

14 (2) (I) A VOTING MEMBER MAY NOT SERVE FOR MORE THAN TWO
15 TERMS.

16 (II) FOR THE PURPOSES OF THE TERM LIMIT ESTABLISHED UNDER
17 THIS SECTION, A VOTING MEMBER WHO SERVES AN INITIAL TERM OF 2 YEARS
18 UNDER SUBSECTION (E) OF THIS SECTION IS CONSIDERED TO HAVE SERVED ONE
19 COMPLETE TERM.

20 (3) THE GOVERNOR SHALL APPOINT A NEW MEMBER TO FILL ANY
21 VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND UNTIL
22 A SUCCESSOR IS ELECTED AND QUALIFIES.

23 (E) (1) THE VOTING MEMBERS FROM COMMISSIONER DISTRICTS 1
24 THROUGH 5 SHALL BE ELECTED AT THE 2004 GENERAL ELECTION.

25 (2) THE TERMS OF THE VOTING MEMBERS ARE STAGGERED AS
26 FOLLOWS:

27 (I) 1. MEMBERS OF THE COUNTY BOARD FROM COMMISSIONER
28 DISTRICTS 2, 3, AND 4 SHALL SERVE FOR AN INITIAL TERM OF 2 YEARS.

29 2. AN ELECTION SHALL BE CONDUCTED IN 2006 AND EVERY
30 4 YEARS THEREAFTER.

31 (II) 1. MEMBERS OF THE COUNTY BOARD FROM COMMISSIONER
32 DISTRICTS 1 AND 5 SHALL SERVE AN INITIAL TERM OF 4 YEARS.

33 2. AN ELECTION SHALL BE CONDUCTED IN 2008 AND EVERY
34 4 YEARS THEREAFTER.

35 (F) (1) THE STUDENT MEMBER SHALL:

1 (I) BE AN ELEVENTH OR TWELFTH GRADE STUDENT IN THE CECIL
2 COUNTY PUBLIC SCHOOL SYSTEM ELECTED BY THE HIGH SCHOOL STUDENTS OF
3 THE COUNTY IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE SCHOOL
4 SYSTEM;

5 (II) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE
6 ELECTION OF THE MEMBER;

7 (III) BE A NONVOTING MEMBER; AND

8 (IV) ADVISE THE BOARD ON THE THOUGHTS AND FEELINGS OF
9 STUDENTS.

10 (2) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A
11 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND AN
12 EXECUTIVE SESSION.

13 3-4A-02.

14 (A) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR
15 ANY OF THE FOLLOWING REASONS:

16 (1) IMMORALITY;

17 (2) MISCONDUCT IN OFFICE;

18 (3) INCOMPETENCY;

19 (4) WILLFUL NEGLECT OF DUTY; OR

20 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST 75% OF THE
21 SCHEDULED MEETINGS OF THE COUNTY BOARD IN ANY 1 CALENDAR YEAR.

22 (B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE
23 MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER
24 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

25 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

26 (1) THE STATE BOARD SHALL PROMPTLY HOLD A HEARING, BUT A
27 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE
28 MEMBER A NOTICE OF THE HEARING; AND

29 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD
30 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON,
31 OR BY COUNSEL.

32 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE
33 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR CECIL COUNTY.

1 3-4A-03.

2 (A) AT ITS FIRST MEETING AT THE BEGINNING OF EACH YEAR, THE COUNTY
3 BOARD SHALL ELECT A PRESIDENT AND VICE PRESIDENT FROM AMONG THE BOARD
4 MEMBERS.

5 (B) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

6 3-4A-04.

7 (A) THE PRESIDENT OF THE COUNTY BOARD IS ENTITLED TO RECEIVE \$4,000
8 ANNUALLY AS COMPENSATION AND THE OTHER VOTING MEMBERS ARE ENTITLED
9 TO RECEIVE \$3,500 EACH ANNUALLY AS COMPENSATION.

10 (B) THE CHAIRMAN AND OTHER MEMBERS ARE ENTITLED TO
11 REIMBURSEMENT NOT TO EXCEED \$1,000 A YEAR FOR TRAVEL AND OTHER
12 EXPENSES.

13 (C) THE CECIL COUNTY COMMISSIONERS MAY INCREASE THE ANNUAL
14 SALARY OF THE COUNTY BOARD.

15 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
16 take effect on the taking effect of the termination provision specified in Section 20 of
17 Chapter 289 of the Acts of the General Assembly of 2002. If that termination provision
18 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.
19 This Act may not be interpreted to have any effect on that termination provision.

20 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the
21 appointed members of the Cecil County Board shall expire at the end of December 31,
22 2004.

23 SECTION 6. AND BE IT FURTHER ENACTED, That the terms of the elected
24 members of the Cecil County Board shall expire as follows:

25 (1) The members elected from commissioner districts 2, 3, and 4 shall
26 terminate on June 30, 2008; and

27 (2) The members elected from commissioner districts 1 and 5 shall
28 terminate on June 30, 2010.

29 SECTION 7. AND BE IT FURTHER ENACTED, That the Governor shall
30 appoint the Cecil County Board of Education in accordance with § 3-108 of the
31 Education Article as follows:

32 (1) Three members appointed on July 1, 2008; and

33 (2) Two members appointed on July 1, 2010.

34 SECTION 8. AND BE IT FURTHER ENACTED, That before Sections 6 and 7 of
35 this Act become effective, this Act shall first be submitted to a referendum of the
36 legally qualified voters of Cecil County at the general election to be held in November

1 of 2006. The county governing body and the Board of Supervisors of Elections of Cecil
2 County shall do those things necessary and proper to provide for and hold the
3 referendum required by this section. There shall be printed on the ballot to be used at
4 this election the title of this Act and underneath the title, on separate lines, a square
5 or box opposite the words "For a Board of Education Elected by the Voters of Cecil
6 County" and a corresponding square box opposite the words "For a Board of
7 Education Appointed by the Governor". A voter may choose only one of the methods of
8 selection. If a majority of the votes cast on the question are "For a Board of Education
9 Elected by the Voters of Cecil County", Sections 6 and 7 of this Act are of no effect and
10 null and void, but if a majority of the votes cast on the question is "For a Board of
11 Education Appointed by the Governor", the provisions of Sections 6 and 7 of this Act
12 shall become effective on the 30th day following the official canvass of votes for the
13 referendum.

14 SECTION 9. AND BE IT FURTHER ENACTED, That, subject to the provisions
15 of Section 8 of this Act, this Act shall take effect October 1, 2003.

16 SECTION 10. AND BE IT FURTHER ENACTED, That subject to the provisions
17 of Sections 8 and 9 of this Act, Sections 1 through 5 of this Act shall take effect
18 October 1, 2003. They shall remain effective until the taking effect of Sections 6 and
19 7 of this Act. If Sections 6 and 7 of this Act take effect, Sections 1 through 5 shall be
20 abrogated and of no further force and effect.